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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,521	12/14/2001	Hiroshi Yabe	XA-9598	3563
75	10/09/2002			
Miles & Stockbridge P.C.			EXAMINER	
Suite 500 1751 Pinnacle I	· · •	RODRIGUEZ, PAMELA		
McLean, VA 22102-3833			ART UNIT	PAPER NUMBER
			3683	<del></del>
			DATE MAILED: 10/09/2002	!

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Total   Examiner   Art Unit   Examiner   Art Unit   Sets   Sets   Art Unit		<del></del>	Application No.	Applicant(s)			
Parn Rodriguez  3883  **The MAILING DATE of this communication appears on the cover sheet with the correspondence address  **Period for Reply**  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  The MAILING DATE OF THIS COMMUNICATION.  If the period for reply specified above is test sheet bird (50) styp, a reply with the statistory relieved will period will reply a 150 styp.  If the period for reply specified above is test sheet bird (50) styp, a reply with the statistory relieved will period \$150 (\$10) styp, a reply with the statistory relieved will period \$150 (\$10) styp, a reply with the statistory relieved will period \$150 (\$10) styp, a reply with the statistory relieved will period \$150 (\$10) styp, a reply with the statistory relieved will period \$150 (\$10) styp, a reply with the statistory relieved will period \$150 (\$10) styp, a reply with the statistory relieved will period with the statistory relieved will reply a will be considered timely.  **Fit Operation of Cities and Statistics	Office Action Summary		10/014,521	YABE ET AL.			
Prior for MALING DATE of this communication appears on the cover sheet with the correspondence address - Perior for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edencines of the map be revisible under the provision of 37 CPR 1.15(8). In no event, however, may a reply be timely flind  Etherolise of the map by the visible under the provision of 37 CPR 1.15(8). In no event, however, may a reply be timely flind  If the period for reply appealised above is beat beat thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered limely.  If NO period for reply appealised above is beat beat beat beat beat beat beat beat			Examiner	Art Unit			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION.  Extensions of time may be exclude under the provisions of 37 CFR 1.136(a), in no event, however, may a reply be timely filled.  Extensions of time may be excluded under the provisions of 37 CFR 1.136(a), in no event, however, may a reply be timely filled.  Extensions of time may be excluded under the provisions of 37 CFR 1.136(a), in no event, however, may a reply be timely filled.  Extensions of the many be excluded above, the machine in the provision of the provision of the fill of the communication of the communication of the communication of the communication of the communication, even if timely filled, may reduce any seamed platest term adjustment. See 37 CFR 1.704(b).  Status  1) Responsive to communication(s) filled on			Pam Rodriguez	3683			
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of tem may be available under the provisions of 3° CPR 1.13(b). In one event, however, may a reply be timely filed after 50 (i) MONTHS from the mailing date of the communication.  The period in triply specified date in the name of the communication of the provision of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  See the attached define of the priority documents have been received in this National Stage applicati			pears on the cover sheet with the	correspondence address			
1) Responsive to communication(s) filed on  2a) This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are objected to.  8) Claim(s) is/are objected to.  8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on 14 December 2001 is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The cost nor declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121.	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
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#### **DETAILED ACTION**

### **Drawings**

- 1. Figures 4-6 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
- 2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because in Figure 4, reference character "5" has been used to designate both a retainer plate as referenced on page 2 line 6 of the specification and a section line as referenced on page 1 line 26 of the specification. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
- 3. The drawings are objected to because in Figure 3, element numeral "87" should read –97—to be consistent with the previous drawings and the specification. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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## Claim Rejections - 35 USC § 112

4. Claims 2-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In lines 3 of Claims 2-4, the phrase "an airtight damper" is a duplicate recitation of the this same damper previously recited in Claim 1.

### Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 6. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Kagiyama et al.

Regarding Claim 1, Kagiyama et al disclose a damper assembly (see Figure 1) with a torque limiter 13/15 (see column 3 lines 8-20) having all the features of the instant invention including: a friction torque limiter 13/15 between an output axis (see the axis for shaft 20 in Figure 2) and an airtight damper (made up of springs 51-53 as referenced in Claim 4 of the reference).

Regarding Claim 2, Kagiyama et al further disclose that the torque limiter 13/15 is attached outside the damper (springs 51-53) to configure a friction plate 13 (see column

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3 lines 8-20 and note how the limiter structure is readable as being located on an outer side of at least spring 52 shown in Figure 2).

Regarding Claim 3, see Figure 2 and note how the torque limiter 13/15 is located inside the cover 1 of the damper assembly (at least to the same extent as applicant's) and forms a friction plate 13.

Regarding Claim 4, see Claim 3 above and note that ring 13 is conical in shape.

#### Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fukushima discloses a damper assembly with a torque limiter similar to applicant's.

Paquin et al., Casse et al., Lamarche, and Bonfilio et al all disclose damper assemblies having torque limiters.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pam Rodriguez whose telephone number is 703-308-3657. The examiner can normally be reached on Monday-Thursday 6:30am-4 pm and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-308-

1113.

Pam Rodriguez Primary Examiner Page 5

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October 4, 2002